REMARKS

Claims 1-24 were pending in this present application. Applicant has cancelled

claims 2 and 20. In addition, Applicant has amended claims 1, 3-13, 19, and 21-24. No

new matter has been added. Reconsideration of this patent application is respectfully

requested.

Objections – Drawings

The Examiner has stated that the drawings received on 10/27/2003 were not

acceptable. Accordingly, Applicant has submitted replacement drawings, which are

attached to the end of this response.

Objections – Claims

The Examiner has stated,

3.   "Claims 1, 2, 7, 19 and 20 are objected to because of the following informalities: Grammatical
errors in the preamble of the claims. Appropriate correction is required."

Applicant has amended claims 1, 2, 7, 19, and 20 to correct the grammatical

errors. Accordingly, Applicant submits that the objection is overcome.

Rejections – 35 U.S.C. §112

The Examiner has stated,

4.   "Claims 1 and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the
enablement requirement. The claim(s) contains subject matter which was not described in the specification
in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly
connected, to make and/or use the invention. Claims 1 and 9 recite "determining, by the clients during the
multicast transfer, which is a slowest client". This limitation implies that the master client also performs
such a determination. However, the disclosure only shows how passive clients determine which client is
the slowest client.

Applicant has amended claims 1 and 19 to recite:

"determining, by the passive clients during the multicast transfer, which is a slowest client based
on which client drops a highest number of packets"

Accordingly, claims 1 and 19 are clear that the passive clients determine the

10

slowest client. Accordingly, Applicant submits that the rejection to claims 1 and 19 have

been overcome.

    In addition the Examiner has stated,

5.   "Claims 2-18 and 20-24 are rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure
which is not enabling. Subject matter critical or essential to the practice of the invention, but not included
in the claim(s) is not enabled by the disclosure. See In re *Mayhew,* 527 F.2d 1229, 188 USPQ 356 (CCPA
1976).
        Applicant claims a system and method for determining which client is the slowest client, and
making the slowest client the master client. Applicant goes on to disclose steps performed by the passive
clients to determine which of the passive clients is the slowest client.

        Applicant's disclosure does not address the scenario where the master client remains the slowest
client, and a master change is not needed. In other words, the disclosure is unclear as to what occurs when
the master client is the slowest client. When the master client is the slowest client, a master change is
not needed, and the sending of a Force Master command would also be unnecessary.

        Applicant states that their method minimizes master changes. However, without the essential
subject matter described above, the method would perform unnecessary master changes."

    Applicant has amended claims 1 and 19 to include:

        "making the slowest client the master client, thereby adaptively determining which client
becomes the master client to minimize network traffic when the slowest passive device is slower than the
master client and not assigning the slowest passive client as master client when the slowest passive client is
faster than the master client"

    Applicant has amended claims 7 and 13 to include:

        "if the drop ratio reaches a configurable threshold, sending a Force Master command to the server
requesting to become a new master client, thereby adaptively determining which client becomes the master
client in real-time unless the passive client is faster than the current master client"

    Accordingly, Applicant submits that because independent claims 1, 7, 13, and 19

have been amended to address the scenario when the master client remains the slowest

("not assigning the slowest passive client as master client when the slowest passive client

is faster than the master client" and "determining which client becomes the master client

in real-time unless the passive client is faster than the current master client"), claims 3-18

and 21-24 (claims 2 and 20 have been cancelled) which depend either directly or

indirectly upon the respective independent claims, the aforementioned dependent claims

are enabling. Therefore, Applicant submits that the objection to claims 2-18 and 20-24

has been overcome.

6. "Claims 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 13, applicant fails to distinctly claim how a master client controls the multicast transfer of the packets."

In response to the Examiner's objection, Applicant has amended claim 13 to

recite:

"current master client that controls the rate of multicast transfer of the packets based upon a processing speed of the current master client"

Applicant submits that with respect to claim 13's amendment, the objection has

been overcome.

Allowable Subject Matter

The Examiner has stated,

9. "Claims 2-6 and 20-24 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

10. Claims 7-18 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

11. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 2, 7, 13 and 20, the prior art of record fails to reasonably teach, singly or in combination, sending a Force Master command from the "slowest" client to a server to request to become the new master client."

Applicant has re-written claim 1 to incorporate the limitations of claim 2, and has

also re-written claim 19 to incorporate the limitations of claim 20. Therefore, Applicant

submits that claims 1 and 19 are allowable. In addition, Applicant submits that claims 3-

6 and 21-24 are also allowable since they depend directly upon an allowable base claim.

Applicant notes that the dependent claims are also allowable on their own merits.

As stated above, Applicant has amended claims 7-18 to overcome the 35 U.S.C.

112 rejections and therefore submit that claims 7-18 are allowable.

Conclusion

   In view of the foregoing, Applicant submits that claims 1, 3-13, 19, and 21-24 are

in condition for allowance. Applicant respectfully requests reconsideration and

allowance of the claims as now presented. Should any unresolved issues remain,

Examiner is invited to call Applicant's attorney at the telephone number indicated below.

                                        Respectfully submitted,

                                        SAWYER LAW GROUP LLP

October 29, 2007   /Joseph A. Sawyer, Jr./
Date   Joseph A. Sawyer, Jr.
                                        Attorney for Applicant(s)
                                        Reg. No. 30,801
                                        (650) 493-4540